

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CHON BERRONG,	:	PRISONER DIVERSITY
Plaintiff,	:	28 U.S.C. § 1332
	:	
v.	:	
	:	
MARK GANNON, LLP,	:	
c/o Travelers Insurance Company,	:	CIVIL ACTION NO.
et al.,	:	1:15-CV-4386-WSD-JFK
Defendants.	:	

**UNITED STATES MAGISTRATE JUDGE’S  
FINAL REPORT AND RECOMMENDATION**

Plaintiff, Chon Berrong, confined in Dooly State Prison in Unadilla, Georgia, has submitted a *pro se* civil rights complaint. The Court previously granted Plaintiff *in forma pauperis* status, and the matter is now before the Court on the complaint [1] for screening under 28 U.S.C. § 1915A and on Plaintiff’s motions for a preliminary injunction [7, 8].

**I. Discussion**

Section 1915(e)(2) of Title 28 requires a federal court to dismiss an *in forma pauperis* action that it determines (1) is frivolous or malicious, (2) fails to state a claim on which relief may be granted, or (3) seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). A claim is frivolous when it

“lacks an arguable basis either in law or in fact.” Bingham v. Thomas, 654 F.3d 1171, 1175 (11th Cir. 2011) (quoting Miller v. Donald, 541 F.3d 1091, 1100 (11th Cir. 2008)) (internal quotation marks omitted). To state a claim, a pleading must contain a “short and plain statement of the claim showing that the pleader is entitled to relief[.]” Fed. R. Civ. P. 8(a)(2). “A plaintiff . . . must plead facts sufficient to show that her claim has substantive plausibility” and inform the defendant of “the factual basis” for the complaint. Johnson v. City of Shelby, \_\_ U.S. \_\_, 135 S. Ct. 346, 347 (2014).

Plaintiff brings this action against Mark Gannon and Adam P. Smith. (Compl., ECF No. 1). Plaintiff, among other things, refers to an unresolved settlement, something that “caused a smoke inhalation[.]” and insufficient process “when a ‘ladder’ that was welded to the wall was taken out and abandoned me[.]” (Id. at cm/ecf page number 5). Plaintiff seeks damages in the amount of “seventy five thousand dollars in relief of ten million dollars.” (Id. at 11).

Plaintiff’s allegations are nonsensical and simply insufficient to inform a defendant of the factual basis for a plausible claim. The Court discerns no viable diversity claim against either Defendant.


**II. Conclusion**

For the reasons stated above,

**IT IS RECOMMENDED** that, pursuant to 28 U.S.C. § 1915(e)(2), this action be **DISMISSED** for failure to state a claim and that Plaintiff's motions for an injunction [7, 8] be **DENIED** as moot.

The Clerk is **DIRECTED** to withdraw the reference to the Magistrate Judge.

**IT IS SO DIRECTED and RECOMMENDED** this 22nd day of March, 2016.

  
\_\_\_\_\_  
JANET F. KING  
UNITED STATES MAGISTRATE JUDGE